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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,748

04/15/2004

William E. Reichert

REIW-0001

7031

7590

08/21/2006

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EXAMINER

NGUYEN, SIMON

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,748

Applicant(s)

REICHERT, WILLIAM E.

Examiner

SIMON D. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 and 56-86 is/are rejected.
- 7) ☒ Claim(s) 51-55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings filed 4/15/04 are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-2, 8, 15 are rejected under 35 U.S.C. 102(a) as being anticipated by Huang (2002/0115480).

Regarding claim 1, Huang discloses a phone holder (fig.3-6, 8), comprising: a receptacle (35) comprising a bottom side, upstanding sides (31), a top opening, wherein the bottom and sides defining a compartment (35), the sides having first and second exterior portions, a first portions having a clip for removably retaining a charging cord (51), and a second exterior portion (45) for stabilizing the holder as desired, and

wherein the holder is configured for receiving the phone through the top opening (paragraphs 18-21).

Regarding claim 2, Huang further discloses the receptacle is a rectilinear cross sectional configuration (see figs).

Regarding claims 8, 15, Huang discloses the stabilizing means for locating the station on a surface (see figs) and the phones are removed through the top opening (see fig.8).

4. Claims 1, 27-28, 34-36, 41, 48-49, 83 are rejected under 35 U.S.C. 102(a) as being anticipated by Reah (2004/0165367).

Regarding claim 1, Reah discloses a phone holder (figs 1-3), comprising: a receptacle (22) comprising a bottom side (14), upstanding sides (16), a top opening (18), wherein the bottom and sides defining a compartment (22), the sides having first and second exterior portions, a first portions having a clip (32) for removably retaining a charging cord, and a second exterior portion (24) for stabilizing the holder as desired, and wherein the holder is configured for receiving the phone through the top opening (figs.1-3, paragraphs 1-28).

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 1, wherein Reah further disclose a back common (38) separating between the receptacle 22 and the stabilizing means 24.

Regarding claim 28, Reah further discloses the receptacle has a rectilinear cross sectional configuration (fig.1).

Regarding claims 34-36, Reah discloses a second compartment (24) in the back of the phone holder 22 having a mounting member (26) wherein the mounting member extending from a vertical surface (figs.1-2).

Regarding claim 41, Reah further discloses more than one phones put in holders (figs.2-3).

Regarding claims 48-49, Reah discloses the phone holder integrated with a holding key compartment (24), which is also the stabilizing means (paragraphs 7, 26, fig.1).

Regarding claim 83, Reah discloses three same compartments, each holds a respective phone (figs.1-3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-7, 11-12, 13-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (2002/0115480).

Regarding claims 3-7, 13-14, Huang does not specifically disclose the dimension for the compartment as claimed and a circular cross sectional configuration.

The examiner takes an official notice that, the dimension of the compartment such as a diameter, a deep, or a wide or a circular cross sectional configuration are a design choice as long as the compartment suiting for a handset. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the handset holder as taught by Huang, modified with a circular cross configuration and dimensions as claimed in order to be suitable for retaining a phone.

Regarding claims 11-12, Huang does not disclose an adhesive strip and a magnet. It should be noted that an adhesive strip and a magnet can be used in the phone holder as taught by Huang in order to hold the base 45 (stabilizing means) and the holder 31 together which are known to those skilled in the art.

7. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (2002/0115480) in view of Luginbill et al. (2003/0128840).

Regarding claim 9-10, Huang does not specifically disclose an extendable retractable easel arm and a mounting member.

Luginbill discloses a phone holder used in an automobile having a stabilizing member comprising an extendable retractable easel arm secured to the exterior portion with a mounting member to hold the holder in a vertical surface (figs. 1-6, paragraphs 35-42). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the handset holder as taught by Huang, modified by Luginbill in order to hold the phone in its position as desired.

8. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (2002/0115480) in view of Saarikko (26,570,987).

Regarding claim 16-21, Huang does not disclose pads.

Saarikko discloses a phone holder having pads (7) at a bottom side of a holder to support a phone (fig.1). it should be noted that the pads can be made of rubber, foam, felt which is known to those skilled in the art. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the handset holder as taught by Huang, modified by Saarikko in order to prevent a damage to the phone.

9. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (2002/0115480) in view of Reah (2004/0165367).

Regarding claims 22-25, Huang does not specifically disclose a key compartment.

Reah discloses a phone holder having a key compartment (24) for storing keys (paragraphs 3, 26, fig.1). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the handset holder as taught by Huang, modified by Reah, in order to store different objects.

10. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang and Reah (2004/0165367) and further in view of Luginbill et al. (2003/0128840).

Regarding claim 26, the modified Huang does not specifically disclose pen and paper holders, a message board, and a picture frame.

Luginbill discloses a phone holder comprising a penholder with a writing instrument clip (40) (message board) and a paper holder (62, 64) having a pocket to hold the papers (fig. 3, paragraphs 25, 33). It should be noted that a picture frame could be attached to the Reach's phone holder. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the handset holder as taught by modified Huang, modified by Luginbill in order to hold items daily need.

11. Claims 29-33, 37-40, 50, 66-70, 79-81, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reah (2004/0165367).

Regarding claims 29-30, 39-40, Reach does not specifically disclose the dimension for the compartment as claimed and a circular cross sectional configuration.

The examiner takes an official notice that, the dimension of the compartment such as a diameter, a deep, or a wide or a circular cross sectional configuration are a design choice as long as the compartment suiting for a handset. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the handset holder as taught by Reah, modified with a circular cross configuration and dimensions as claimed in order to be suitable for retaining a phone.

Regarding claims 31-33, Reah fails to teach a circular cross sectional configuration.

It should be noted a circular cross sectional configuration for a phone holder is known to those skilled in the art. furthermore, the dimension for a depth and a width as claimed are a designed choice which is not a patentable subject matter.

Regarding claims 37-38, Reah does not disclose an adhesive strip and a magnet. It should be noted that an adhesive strip and a magnet can be used in the phone holder as taught by Reah in order to hold the base 45 (stabilizing means) and the holder 31 together which are known to those skilled in the art.

Regarding claim 50, Reah disclose the key compartment for holding keys. However, Reah does not specifically disclose the compartment for a picture frame.

It should be noted that there are a lot of room in the phone holder as taught by Reah, therefore, a picture frame can be integrated in the key compartment. Furthermore a cup or penholder with a picture frame decorated is known to those skilled in the art.

Regarding claims 66-70, 86, these claims are rejected for the same reason as set forth in claims 48-49.

Regarding claims 79-80, the dimension of the holder is a designed choice, which is not patentable subject matter.

Regarding claim 81, it is obvious that the phone holder as taught by Reah used to hold the phone on a table (see fig.1).

12. Claims 42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reah (2004/0165367) in view of Saarikko (6,570,987).

Regarding claims 42-47, Reah does not disclose pads.

Saarikko discloses a phone holder having pads (7) at a bottom side of a holder to support a phone (fig.1). It should be noted that the pads can be made of rubber, foam, felt which is known to those skilled in the art. Therefore, it would have been obvious to

one skilled in the art at the time the invention was made to have the handset holder as taught by Reah, modified by Saarikko in order to prevent a damage to the phone.

13. Claims 56-65, 71-78, 82, 84-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reah (2004/0165367) in view of Luginbill et al. (2003/0128840).

Regarding claims 56-65, 84-85, Reah does not specifically disclose pen and paper holders.

Luginbill discloses a phone holder comprising a pen holder (40) and a paper holder (62, 64) having a pocket to hold the papers (fig. 3, paragraphs 25, 33).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the handset holder as taught by Reah, modified by Luginbill in order to hold items daily need.

Regarding claims 71-78, it should be noted that Luginbill disclosing the pockets (62, 64) (figs.3, paragraphs 25, 33) for holding the papers, these pockets can be used to hold a message board (writing instrument holding clip 40) with chawks and markers in order to get note which is known to those skilled in the art.

Regarding claim 82, Luginbill discloses the extendable arm with an extension limiter (paragraphs 36-38).

Allowable Subject Matter

Art Unit: 2618

14. Claims 51-55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 51-55, the prior art of record fails to teach in details a picture frame with a lateral edge secured to the receptacle portion and a sleeve for removably receiving photographic pictures, which is integrated with a phone holder.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
600 Dulany, Alexandria, VA 22314

Or faxed to:

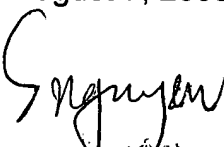
(571) 273-8300 (for formal communications intended for entry)

Art Unit: 2618

Hand-delivered response should be brought to Customer Service Window
located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

August 7, 2006


SIMON NGUYEN
PRIMARY EXAMINER